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In re Application of :
Pirie-Shepherd et al :
Serial No.: 09/502,176 : PETITION DECISION
Filed: October 10, 2000 :
Attorney Docket No.: 05213-2141 :

This is in response to the petition under 37 CFR 1.137(a), which is being treated as a petition under 37 CFR 1.181, filed January 21, 2004, requesting withdrawal of abandonment based on timely filing of a reply. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed an Office action to applicants on May 13, 2003, setting a three month shortened statutory period for reply. Upon failure to receive a reply the application was held abandoned by Notice of Abandonment mailed December 11, 2003. Applicants state that a reply was submitted on November 13, 2003. Applicants have submitted a copies of reply to the office action (exhibit A), petition for extension of time for three month (Exhibit B), the fee for the extension of time (Exhibit C), and the copy of USPTO confirmation of the receipt of the response mailed on November 13, 2003. A review of the above copies shows that the reply was timely filed, and the reply was not timely correlated with the file. In view of the evidence presented, the Notice of Abandonment is withdrawn and the application restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded to the examiner for further consideration.

Inasmuch as this petition was decided under 37 CFR 1.181 no petition fee is required and the petition fee paid of \$55.00 will be credited to applicants' Deposit Account No. 11-0855.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 703-872-9306.


Jasmine Chambers

Director, Technology Center 1600